

FILED

JUN 23 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IRVING HERNANDEZ-LOPEZ,

Defendant.

CR 17-09-M-DLC-2

ORDER

THIS MATTER comes before the Court on the United States' Motion for Preliminary Order of Forfeiture. The Court having read said motion and being fully advised in the premises finds:

THAT the United States and the Defendant, IRVING HERNANDEZ-LOPEZ, entered into a plea agreement that provides a factual basis and cause to issue a forfeiture order under 21 U.S.C. § 853;

THAT prior to the disposition of the assets, the United States Marshal's Service, or its designated sub-custodian, is required to seize the forfeited property; and

THAT 21 U.S.C. § 853(n)(1) requires that third parties who may have an interest in the property receive notice, via publication, or to the extent practical, direct written notice of the forfeiture and the United States' intent to dispose of the property.

THEREFORE, IT IS ORDERED, DECREED AND ADJUDGED:

THAT Plaintiff's Unopposed Motion for Forfeiture of Property (Preliminary) (Doc. 78) is GRANTED;

THAT the Defendant, IRVING HERNANDEZ-LOPEZ'S, interest in any real or personal property derived from any proceeds obtained, directly and indirectly, as a result of the violation of Count III of the Indictment, and any property traceable to such property, is forfeited to the United States in accordance with 21 U.S.C. § 853. That property consists specifically of the following:

- \$2,413.00 in United States Currency, and
- A Rossi .357 Magnum Revolver, Serial Number G0762654;

THAT the United States Department Marshal's Service, or its designated sub-custodian, is directed to seize the property subject to forfeiture and further to make a return as provided by law;

THAT the United States will provide written notice to all third parties asserting a legal interest in any of the above-described property and will post on

an official government internet site (www.forfeiture.gov) for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, notice of the Court's Preliminary Order and the United States' intent to dispose of the property in such manner as the Attorney General of the United States may direct, pursuant to 21 U.S.C. § 853(n)(1), and to make its return to this Court that such action has been completed; and

THAT upon adjudication of all third-party interests, if any, the Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n)(7) and Fed. R. Crim. P. 32.2(c)(2), in which all interests will be addressed.

DATED this 23rd day of June, 2017.



Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court